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## ALLIANCE

# Governing against the Senate

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Jean Chrétien's clarity act is getting a rough ride in the Senate, even though there is a Liberal majority in that body. Outside Ottawa, the Canadian Alliance leadership race is the biggest political news. The two stories may seem unrelated, but they are connected by a good question: How would the Alliance, if it happened to win power, deal with the Senate?

That senators are selected by the prime minister virtually guarantees that the Alliance, coming to power for the first time, would have no representation in the Senate. Two problems would arise, one procedural and one political.

Procedurally, there would be no government caucus members in the Senate to introduce legislation, negotiate the Senate's timetable or serve on committees. Politically, the Alliance would face implacable hostility from both Liberal and Conservative senators, who would regard an Alliance government as an interloper to be forced from office at the first opportunity.

The procedural problem could be overcome fairly easily. Vacancies in the Senate occur regularly because of mandatory retirement at 75; there might even be some empty seats waiting to be filled when the new government took office. Also, Section 26 of the British North America Act, which Brian Mulroney used to pass the GST, allows the government to ask the Queen to appoint four or eight extra senators, equally divided among the West, Ontario, Quebec and the Atlantic provinces.

To be sure, an Alliance government would prefer to appoint senators who had first been elected in their provinces; but that would take time to arrange, even if provincial governments were willing to co-operate (which cannot be assumed). It might be necessary, therefore, for the new prime minister to make some old-style appointments just to get a caucus established in the Senate.

The initial appointment of a few members might solve the procedural problem, but they would not be numerous enough to solve the political problem. The Senate would still be dominated by an overwhelming majority of Liberals and Tories determined to rid Ottawa of the Alliance incubus.

A government can do some things without legislation. It can make appointments by order-in-council, and it can spend money for months, even more than a year, on Governor-General's warrants without passing a budget. But most of the Alliance's goals could only be met through a legislative program, which means getting the Senate to pass bills.

Broadly speaking, the government could resort to three strategies. One would be a formal arrangement with the Conservatives, an unlikely event under the current leadership of that party. Another would be piecemeal conciliation — trying to persuade groups of Liberal and Conservative senators to support particular pieces of legislation on their merits. This might work on some issues, but the bargaining would fatally weaken the government if pursued repeatedly.

The third strategy would be the confrontational approach of introducing legislation designed to have broad public appeal, then daring the Senate to defeat it. The confrontation would resemble the 1988 election, which Mr. Mulroney requested because the Senate was blocking the enabling legislation for the free-trade agreement, except at that point the Conservatives had already been in power for four years.

My guess is that a collision would come fairly quickly. I doubt that an Alliance government would be in office for more than a year before it became necessary to go to the polls again.

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